

1D 0961
5.2.86
\$59

U.S. ENVIRONMENTAL PROTECTION AGENCY
REGION 10
1200 SIXTH AVENUE
SEATTLE, WASHINGTON 98101



MAY 2 1986

REPLY TO
ATTN OF:

M/S 613

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Warren Bingham

(b) (6)

RECEIVED

MAY 5 1986

Dear Mr. Bingham:

MANAGEMENT BRANCH

On June 20, 1985, Agreed Order Regarding Penalties No. X83-04-02-3008 (pursuant to Section 3008 of RCRA, 42 U.S.C. §6912), was issued to you by the Environmental Protection Agency ("EPA"). That Order was the result of settlement negotiations between you and EPA prior to a hearing on the matter under case No. X83-04-02-3008, and bore your attorney's signature stipulating to its validity. The Order imposed penalties of \$15,000 for activities at your Rathdrum, Idaho, hazardous waste facility, but suspended and deferred those penalties on condition that you initiate closure activities at the site, as required under a Compliance Order issued to you on April 27, 1983.

You are now severely out of compliance with both the Agreed Order and the Compliance Order. Although the Agreed Order required you to submit a closure plan for the facility by October 20, 1985, to date no closure plan has been received. This is a violation of affirmative Condition #2 of the Agreed Order. In addition, EPA has been informed that the facility was sold at public auction to Kootenai County, State of Idaho. This is a violation of negative Condition #1 of the Agreed Order.

Therefore, pursuant to paragraph 5 of the Agreed Order, the \$15,000 penalty imposed under the Agreed Order is hereby due and payable. Payment, in the form of a certified check or money order, should be made to:

Environmental Protection Agency
Region 10
(Regional Hearing Clerk)
P.O. Box 360903M
Pittsburgh, Pennsylvania 15251



with a copy of the remittance to:

Regional Hearing Clerk
EPA, Region 10
1200 Sixth Avenue, M/S 613
Seattle, Washington 98101

If payment is not received within thirty (30) days of the date of receipt of this letter, interest will accrue on this debt, pursuant to 31 U.S.C. §3162.

Whether or not this penalty payment is received by EPA, you have other remaining legal obligations at the Rathdrum facility. As an owner of the facility (whether present or former), you are required to close the facility according to RCRA regulations. These obligations emanate from the Compliance Order, which was issued to you on April 27, 1983, and from RCRA interim status regulations, which require the implementation of a closure plan within 90 days after receiving the final volume of hazardous waste [40 C.F.R. §265.113(a)], or after interim status is terminated [40 C.F.R. §§265.112(c) and 265.113(a)]. Both of these events occurred some time ago. Therefore, the regulations require you to submit and implement a closure plan for the facility with all due speed.

Accordingly, within thirty (30) days of the date of receipt of this letter, you must submit a closure plan for the facility in full compliance with 40 C.F.R. Part 265, Subpart G. This plan should be submitted to:

Ken Feigner, Branch Chief
Hazardous Waste Management, M/S 524
Environmental Protection Agency
1200 Sixth Avenue
Seattle, Washington 98101

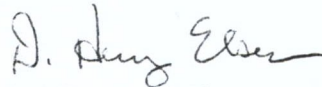
After approval of the closure plan, pursuant to 40 C.F.R. §265.112, you are required to implement that plan within 180 days of approval.

In addition, 40 C.F.R. §265.114 requires a fence at the site sufficient to prevent unauthorized entry at the facility. In order to address immediate hazards to the surrounding community, this fence should be installed. This activity must be commenced within thirty (30) days of receipt of this letter.

Any failure to pay the penalty or to submit and implement the closure plan and fence construction may result in referring this action to the Department of Justice for formal legal action. This action may be in the form of civil or criminal charges being filed against you in a court of law.

If you have any questions or comments on this matter, please contact me at (206) 442-1191. I look forward to a prompt and effective resolution of this matter. Environmental problems evident at the facility require such a timely response.

Sincerely,



D. Henry Elsen
Assistant Regional Counsel

cc: County Treasurer, Kootenai County
Stephen Navaretta, Attorney
Jeffery Ring, AUSA-Idaho